

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD ZALEWSKI, GERIANNE
PROM, and ROBERT WEDEL,

Plaintiffs,

v.

MILWAUKEE CENTER FOR
INDEPENDENCE INC,

Defendant.

Case No. 20-CV-629-JPS

ORDER

This case comes before the court on Plaintiff's ERISA complaint, which was filed on April 20, 2020, in the early throes of the COVID-19 pandemic. (Docket #1). Since then, Defendant has been served, entered an appearance, and filed an answer. Plaintiffs now request a scheduling conference, as would typically occur under Federal Rules of Civil Procedure 16 and 26. (Docket #9).

The Court declines to schedule such a conference or issue a scheduling order. While generally the prerogative of this Court has been to resolve cases within a year of filing, the COVID-19 pandemic has upended traditional ways of conducting litigation, with the result being that the Court has fielded one motion to adjourn after another. Because of this, and because of the continued uncertainty surrounding the COVID-19 virus, the Court finds that the wiser exercise of discretion at this juncture is to decline to issue a trial scheduling order.

That being said, the Court has never issued discovery orders; parties represented by competent counsel should be able to negotiate those

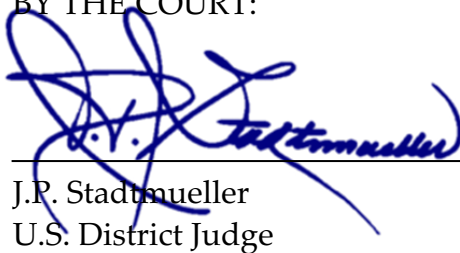
deadlines and details on their own. Therefore, the parties may—indeed should—continue with discovery to the extent that it is feasible and safe to do so. If, at some point, the parties certify that discovery is complete, they are welcome to file dispositive motions, if appropriate. The Court will continue to monitor the pandemic and will calendar a scheduling conference or status conference at such a time as circumstances warrant.

Accordingly,

IT IS ORDERED that Plaintiffs' request for a scheduling conference (Docket #9) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 3rd day of September, 2020.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge